

Opening Remarks

by

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Round Table

Enhancing Responsibilities from the States Towards the Nuclear Non-Proliferation Treaty

Hosted by:

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Welcoming Remarks

I wish first of all to thank Prof. Maurizio Martinelli of the Landau Network-Centro Volta for inviting me to this event today. I am also grateful to the Paul H. Nitze School of Advanced International Studies, the Italian Ministry of Foreign Affairs, and of course the Embassy of Italy for their contributions in organizing this round table.

On 28 October 1999—just following the Senate’s vote not to ratify the Comprehensive Nuclear-Test-Ban Treaty—Paul H. Nitze published an op-ed in the New York Times and this was his conclusion: “. . . in the long term, the treaty does not address the survival or existence of states. It is the presence of nuclear weapons that threatens our existence.”

I believe he was right and would only add that his conclusion applies to the NPT as well. The Treaty contains rights and responsibilities relating to each of its famous three pillars—disarmament, non-proliferation, and peaceful uses. But each of these pillars also rests on a common foundation—a recognition shared by all States Parties that nuclear weapons pose unique dangers to international peace and security.

If those dangers did not exist, there would not be any need for such a treaty. Why would we need a multilateral treaty to establish a legal disarmament commitment concerning such a weapon? Why would we need to prevent the proliferation of such weapons? And why would we need special controls on the peaceful uses of nuclear energy?

The common answer of course is that the very presence of nuclear weapons, as Paul Nitze said, threatens our existence, based on their unique effects. The NPT is not therefore just a treaty about non-proliferation. It is a treaty to confront the dangers of nuclear weapons themselves—namely, dangers from existing arsenals, dangers from the spread of such weapons to additional states, and dangers from the abuse of peaceful uses of nuclear energy.

Over the years, I have become convinced that the best way to deepen international cooperation in achieving the aims of this Treaty is not by focusing just on the respective duties of the nuclear have’s and have-not States. No, the best way to proceed is to build upon the common interest shared by all States Parties in avoiding any future use of such weapons—an aim that will never be fully achieved until the weapons themselves cease to exist. Until then, the treaty will necessarily remain a work in progress.

So I would urge all participants at this round table to focus on this central question of how the States Parties can together and strengthen this common foundation of the Treaty. My proposed answer would be the need for simultaneous progress in addressing all nuclear weapons dangers. This is quite a different prescription from those who call for a sequential approach or one that dictates preconditions for some dangers to be addressed before others. What I have called the simultaneous

approach is the spirit behind the recent calls by States Parties for a balanced review process—and that to me is the right way to proceed.

SESSION I: How to increase NPT leverage and States accountability? How to universalize the NPT process?

The twin themes of this particular session concern the accountability of NPT States Parties for fulfilling their obligations under the Treaty, and the challenge of achieving universal membership.

The NPT is, of course, very much like many other multilateral treaties in the field of disarmament and non-proliferation. These treaties are much more than simply pieces of paper. They establish a framework of binding legal obligations that have concrete effects upon the behaviour of their States Parties. They set forth a set of common expectations concerning the various rights and responsibilities under the Treaty. To this extent, they shape or are intended to shape the development and implementation of State policies and practices. In short, they are intended to serve as a guide to action.

Aside from this characteristic of binding legal authority, another feature of this Treaty is the expectation that its commitments are of a permanent nature—and this is especially true with respect to the NPT after the treaty was extended indefinitely in 1995.

Given the permanence and obligatory nature of treaty commitments, States Parties understandably have an interest in ensuring that the Treaty is achieving its intended goals and that it is remaining relevant to addressing the security concerns that led to its negotiation and entry into force.

In the case of the NPT, these objectives are served by the treaty review process, which has evolved over the years into a series of regular five-year Review Conferences, preceded by three sessions of work by their Preparatory Committees. In 1995, the States Parties attending the NPT Review and Extension Conference decided that the purposes of these Preparatory Committee sessions were “to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.”

The 1995 Decision on strengthening the review process also clarified that the Review Conference “should look forward as well as back” and should also “address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.”

At the 2000 NPT Review Conference, the States Parties agreed that each session of the Preparatory Committee should consider not just specific matters of substance relating to the implementation of the Treaty, but also other related issues. These specifically included the 1995

Decisions on strengthening the review process and the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, as well as the Resolution on the Middle East, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.

The NPT's review process is often taken for granted and seldom gets the attention it deserves as a common means by which States Parties are able to assess the general health of the Treaty regime. On one level, the review process performs somewhat like a barometer—a means for gauging the general tone or spirit of the times, the level of readiness of States Parties to engage in close multilateral cooperation, and their willingness to engage in compromises to expand common ground. Yet this passive, measurement function of the review process is also accompanied by an active or instrumental role in forging agreements on new understandings to assist in the achievement of the goals of the Treaty.

Given the diversity of circumstances facing the various States Parties, difficulties often and not surprisingly arise in efforts to achieve consensus on substantive Final Documents at the Review Conferences. These differences, for example, led to the unhappy ending of the 2005 NPT Review Conference and they also explain why the third session of the Preparatory Committee was unable to convey to the 2010 Review Conference any substantive recommendations.

I believe the ultimate test for a successful Review Conference is whether or not it is able to provide a forum for the presentation of specific, concrete information about actions taken by the States Parties in implementing the key obligations of the Treaty. Transparency is therefore absolutely indispensable to a credible and effective review process. I truly believe that one of the sources of scepticism in our world today about the readiness of the nuclear-weapon States to implement their disarmament commitments relates to the many gaps in the information available about existing weapons programmes and efforts underway to eliminate them.

The simplest and most telling indicator of the scope of this challenge is apparent in the lack of a reliable estimate of the total number of nuclear weapons in our world today, or the amounts of weapon-usable nuclear materials that have been produced or stored. Non-nuclear-weapon States have voiced their reluctance to agree to stricter, more intrusive non-proliferation controls and enhanced transparency over their own peaceful nuclear activities, given the reluctance of the nuclear-weapon States to enhance transparency over their own weapons programmes and their various activities to eliminate them. Such limited information as does exist on these subjects is anecdotal, declaratory, not verified, and not subject to any systematic reporting requirements. So, to this extent, accountability has been very limited indeed in the NPT review process when it comes for progress in nuclear disarmament.

To the extent that “accountability” is often addressed in commentaries about the NPT, such assessments typically focus only on accountability for compliance with non-proliferation

requirements, or to a lesser extent perhaps, accountability for assisting in the peaceful uses of nuclear energy.

I therefore believe that a significant gesture by the nuclear-weapon States—whether achieved individually or collectively—to provide additional information about their nuclear weapon programmes and progress in achieving disarmament commitments would help significantly in improving accountability in the review process. It would provide information needed to assess behaviour—which is one of the whole purposes of a review process—and it would help to restore some equity or fairness in information demands being made of the nuclear-weapon and the non-nuclear-weapon States Parties. Once again, the goal here is not simply to describe the size of existing nuclear-weapon arsenals—which would in itself be a step forward—but also to document systematically what is being done to reduce and to eliminate them.

One of the leading arguments used by non-parties against joining the Treaty is the claim that it is discriminatory. The more balanced and open the review process becomes, the less credibility this line of argument will have.

Until the NPT can achieve its long-sought goal of universal membership—or until the world is able to achieve its other long-sought goal of a nuclear-weapon convention or a framework of separate, mutually reinforcing instruments to eliminate such weapons—the best hope is for a universalization of the fundamental *purposes* of the Treaty concerning disarmament, non-proliferation, and the peaceful uses of nuclear energy. Short of new treaties, this could be achieved politically through policy statements by the non-party States, or by domestic laws and policies that clearly address commitments in each of these areas.

This is I think the best approach, at least for the foreseeable future. The NPT is not an end in itself, but a vital means for its States Parties to achieve their collective goals—for achieving a world free both of nuclear weapons and the threat of their spread to additional states. It may well be possible to achieve full universal membership in this treaty and efforts to achieve this goal must and will of course persist. But until it is achieved, universalization of the key purposes of the treaty is also a worthy cause.

On 3 May, the States Parties to the NPT will gather in New York to open the Treaty's 8th Review Conference. This conference will take place in a somewhat more favourable setting than in years past. I am referring here to the recent bilateral agreement between the Russian Federation and the United States on a START follow-on treaty, the recent announcement of a reduced role for nuclear weapons in US security policy, the convening of a Nuclear Security Summit in Washington, and several other national and international initiatives to confront diverse nuclear weapons challenges.

While the next Review Conference will not alone resolve all of these issues, it will provide a window through which the world will be able to see the Treaty in operation and assess how well its States Parties are achieving key goals.

The work ahead is, without question, daunting. Over 20,000 nuclear weapons remain, many still on high-alert status. The nuclear-weapon States have programmes underway in to “modernize” existing arsenals or to develop new weapons and delivery vehicles. The fundamental doctrine of nuclear deterrence remains deeply entrenched in our world today and its fallacious logic may well spread to additional states tomorrow. Issues relating to the control and management of the nuclear fuel cycle remain a subject of great division. Efforts have really only just begun in recent years to forge a fully multilateral effort against nuclear terrorism. Concerns about compliance with non-proliferation commitments continue to be voiced, as other voices warn of new infringements on the peaceful uses of nuclear energy.

The responses to these challenges will come through a process that combines multilateral cooperation with leadership by individual States or groups of States. The NPT review process remains one of the most essential common forums for deepening this cooperation, as efforts continue to achieve a world free of nuclear weapons and the threats they inherently pose.

For this reason, I very much welcome the efforts by Landau Network-Centro Volta to study this process and wish to express my appreciation for inviting me to participate today.